

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DB, Minor Child,)
By and Through His Next Friend,)
Tami Bennett,)
Plaintiff,)
v.)
No. 4:12CV1710NAB
JEFFERSON COUNTY SHERIFF'S)
DEPARTMENT, *et al.*,)
Defendants.)

**DEFENDANTS' MOTION FOR PARTIAL DISMISSAL
OF PLAINTIFF'S COMPLAINT**

Defendants the Jefferson County Sheriff's Department, Sheriff Oliver "Glenn" Boyer, former Deputy Justin Cosma, and Deputy Richard Carter respectfully move this Court to dismiss several of Plaintiff DB's claims against them under Federal Rule of Civil Procedure 12(b)(6). First, the Jefferson County Sheriff's Department is not a properly suable legal entity and should be dismissed from this lawsuit. Second, the Claim in Count II, for failure to train and supervise, contains no more than legal conclusions and recitations of the law, and should be dismissed. Finally, DB's official capacity claims against the individual Defendants fail, too, upon the absence of factual allegations sufficient to support the claims.

In support of their Motion to Dismiss, the Defendants incorporate by reference the Memorandum of Law filed contemporaneously herewith.

WHEREFORE, Defendants the Jefferson County Sheriff's Department, Sheriff Oliver "Glenn" Boyer, former Deputy Justin Cosma, and Deputy Richard Carter respectfully request that the Court dismiss Plaintiff's official capacity Section 1983 claims, dismiss Count II in its

entirety, and dismiss the Jefferson County Sheriff's Department as a defendant; these Defendants pray, too, that the Court assess costs against Plaintiff, and grant any further relief as the Court may deem appropriate.

Respectfully submitted,

KING, KREHBIEL & HELLMICH, LLC


JASON S. RETTER
Bar No. 59683MO

2000 South Hanley Road
St. Louis, MO 63144 1524
T 314-646-1110
F 314-646-1122
jretter@kkhhb.com

*Attorneys for Defs. the Jefferson County Sheriff's
Department, Boyer, Cosma, and Carter*

CERTIFICATE OF SERVICE

I hereby certify that on this **13th** day of **May 2013**, the foregoing was filed electronically with the Clerk of Court to be served by operation of this Court's electronic filing system upon the following:

Richard R. Lozano
231 S. Bemiston
Suite 800
Clayton, MO 63040
T 314-650-5217
F 866-401-7772
rlozano@lozanolaw.com
Attorney for Plaintiff


JASON S. RETTER
KING, KREHBIEL & HELLMICH, LLC